

Wellesley Office Park 40R Smart Growth Zoning

Wellesley Board of Selectmen – January 28, 2019

Public Hearing to Consider Submission of Eligibility Application to DHCD

Purpose of Public Hearing

- Allow the Board of Selectmen to consider the appropriateness of the proposed Smart Growth Zoning District;
- To consider the Board's submission of an Application to DHCD; and
- Solicit and receive public comments on the proposal and application.

Wellesley Office Park - Existing

- William Street & Route 9
- 26 +/- Acres
- Adjacent to 128/95, Charles River, City of Newton, Town of Needham



Wellesley Office Park - Existing

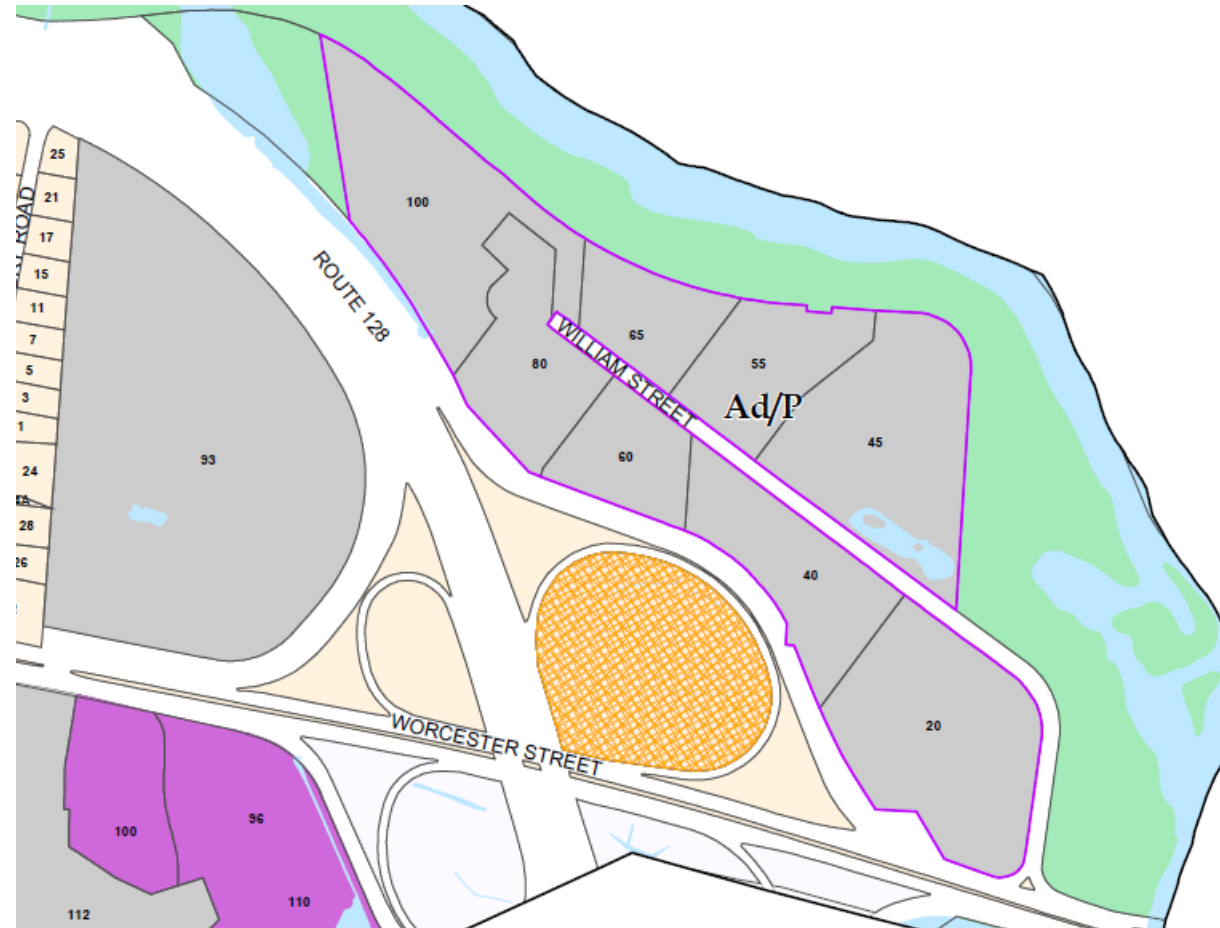
- 8 Office Buildings
- Built between 1961 and 1984
- Building height 3 to 4 floors (Bldg 45 = 71.6')
- 649,000 gross sq. ft.
- 1,927 surface parking spaces
- Café and fitness center in Bldg 55






Wellesley Office Park - Current Zoning






- Zoned Administrative and Professional
- FAR limit of 0.4 per lot (by special permit)
- Height limit of 45 feet
- Allows office uses & uses in the Single Residence District, and Registered Marijuana Dispensaries by Special Permit
- Multi-family, hotel, and retail uses are not permitted




Legend

 Wellesley Office Park Site / 40R District Boundaries

Zoning Districts

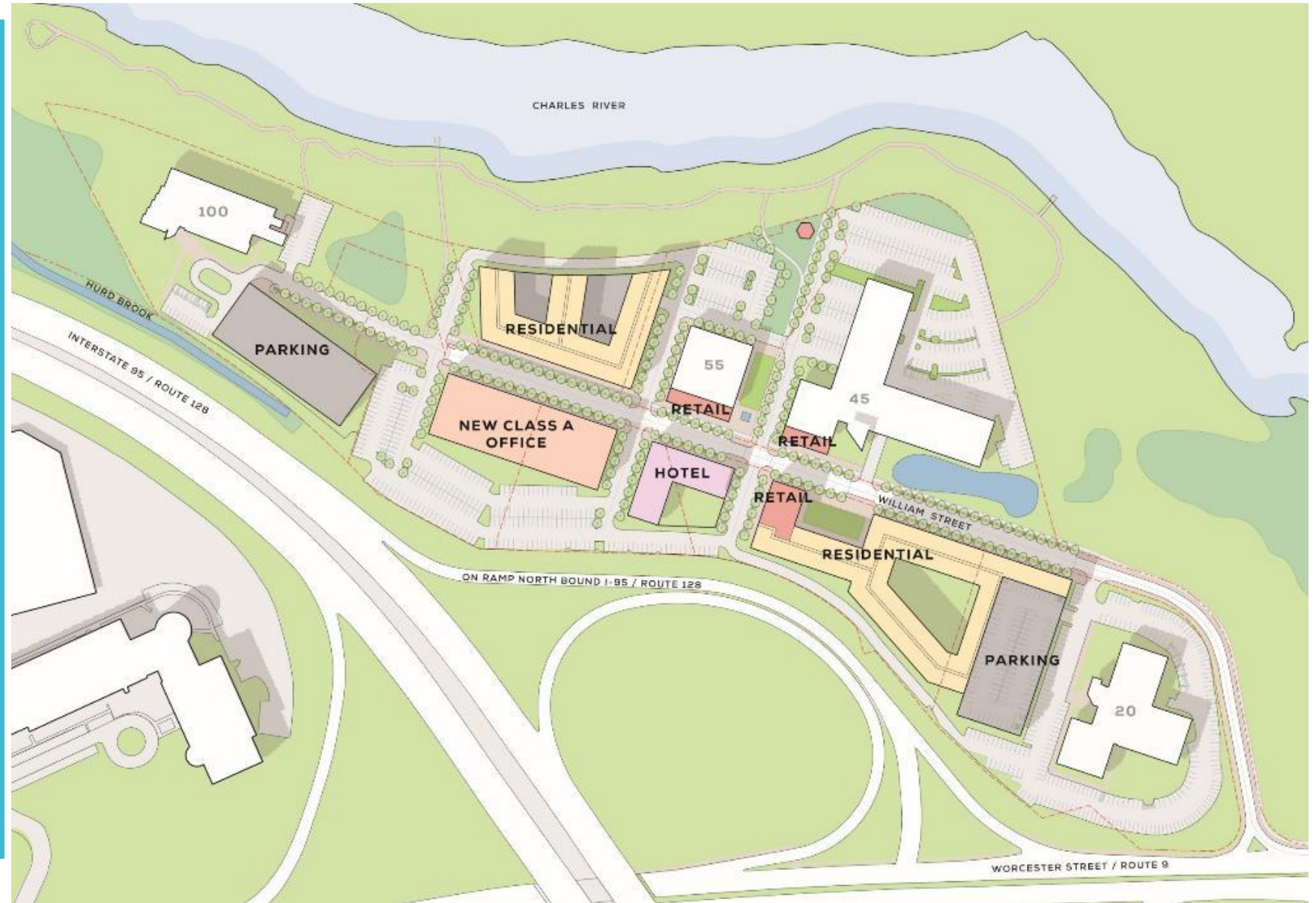
-  Administrative/Professional
-  Limited Business
-  Parks, Recreation, & Conservation
-  Single Residence 10
-  Single Residence 15

Zoning Overlay Districts

-  Large-Scale Solar Overlay District

Wellesley Office Park - Master Plan, Full Build-out

- 350 Residential units, plus 200-250 (550-600 total)
- 575,000 +/- SF gross leasable office area (existing), plus 75,000 SF (650,000 SF total)
- 5,900 SF amenity retail, plus 5,600 SF (11,500 SF)
- 150 room hotel
- Structured parking for residential and office uses



40R snapshot

Enacted 2004

Legislature's response to:

- Opposition to Chapter 40B
- Concerns about impact of housing growth on schools
- Chapter 40B Task Force Report (2003)
- MA Audubon, *Losing Ground* (2003)
- Commonwealth Housing Task Force, *A Housing Strategy for Smart Growth & Economic Development* (2003)



Policy framework

- Basic premise: suburban zoning promotes sprawl, discourages efficient land use, creates barrier to housing affordability
- How to reverse?
 - Cash payments to cities & towns to encourage higher-density housing development in “smart” locations
 - Mitigate fiscal impact (if any)
 - Streamline the approval process
 - Limit developer’s risk

”Smart” location?



Transit access



Area of concentrated development, e.g., established city or town center or other commercial node



“Rural village” district
(Western MA)



“Other Highly Suitable Location”

40R v 40A: what's the difference?

There are many! These are noteworthy:

40R

- Must allow high-density development by right
- Requires affordable housing
- Requires streamlined Plan Approval process
- Must show adequate infrastructure exists to support 40R development
- Explicitly provides for plan review and design review, *reasonable* design standards

40A

- May allow high-density development by right or SP
- Does not require affordable housing
- May require permitting under traditional SP timeline; site plan review without SP is an *option*
- No specific infrastructure provisions
- Statute does not specifically provide for design review for as-of-right uses

40R v 40A: what's the difference?

There are many! These are noteworthy:

- 40R

- Decisions appealed to Land Court, Superior Court, Housing Court.
- Local approval presumed to comply with 40R.
- Appellant seeking reversal of decision must post a bond and forfeit it if appeal denied.
- Incentive payments
 - Zoning approval by Town Meeting
 - Building permits for “Bonus Units”

- 40A

- Decisions appealed to Land Court or Superior Court; timeline uncertain
- Court generally defers to local board, but higher standards and longer appeal may apply when abutters appeal special permit
- No appeal bond required
- No incentive payments

Key elements

By-right development of mixed housing

Minimum density:

- Single-family homes: 8 units/acre
- Townhouses: 12 units/acre
- Multifamily: 20 units/acre

Cash incentives:

- Zoning incentive payment
- “Bonus unit” payment

Affordable housing required

Preference for “smart” locations

40R Overlay Zoning Minimum Regulatory Requirements

Category	Requirement	Proposed
Eligible Location	Must be (1) within a Substantial Transit Access Area; (2) within a Area of Concentrated Development; or (3) a location that would nonetheless promote Smart Growth	Area of Concentrated Development ($\geq 50\%$ of area Substantially Developed Land or Underutilized Land)
Adequate Infrastructure	Local officials must certify that infrastructure (e.g., water, sewer, transportation) is adequate (or may be practicably upgraded) to serve the proposed housing density	Infrastructure may be practicably upgraded to serve the proposed housing density. Detailed infrastructure studies are currently ongoing.
Minimum Density	The overlay must allow multifamily housing to be built as-of-right at density of at least 20 units per acre	Based on 26.55 acres, a minimum of 530+/- multifamily housing units must be permitted as-of-right.
Minimum Affordability	The text must require that at least 20% of the units developed district-wide and per project using the overlay must be affordable at 80% of AMI or less for at least 30 years	25% affordable proposed. If rental housing, 100% of units will count towards Town's subsidized housing inventory.
District Size	Municipalities can create more than one district, as long as none exceed 15% of their land area and the total doesn't exceed 25%	Proposed area is 0.40% of Wellesley's total land area.
As-of-Right Approval	The local plan approval authority reviews project applications to ensure compliance with the bylaw and design standards. Parties appealing an approval must post a bond to cover the potential costs of delay to the developer	As-of-right approval only necessary for residential developments. Other uses may be authorized with heightened scrutiny. All projects to comply with Town design guidelines.



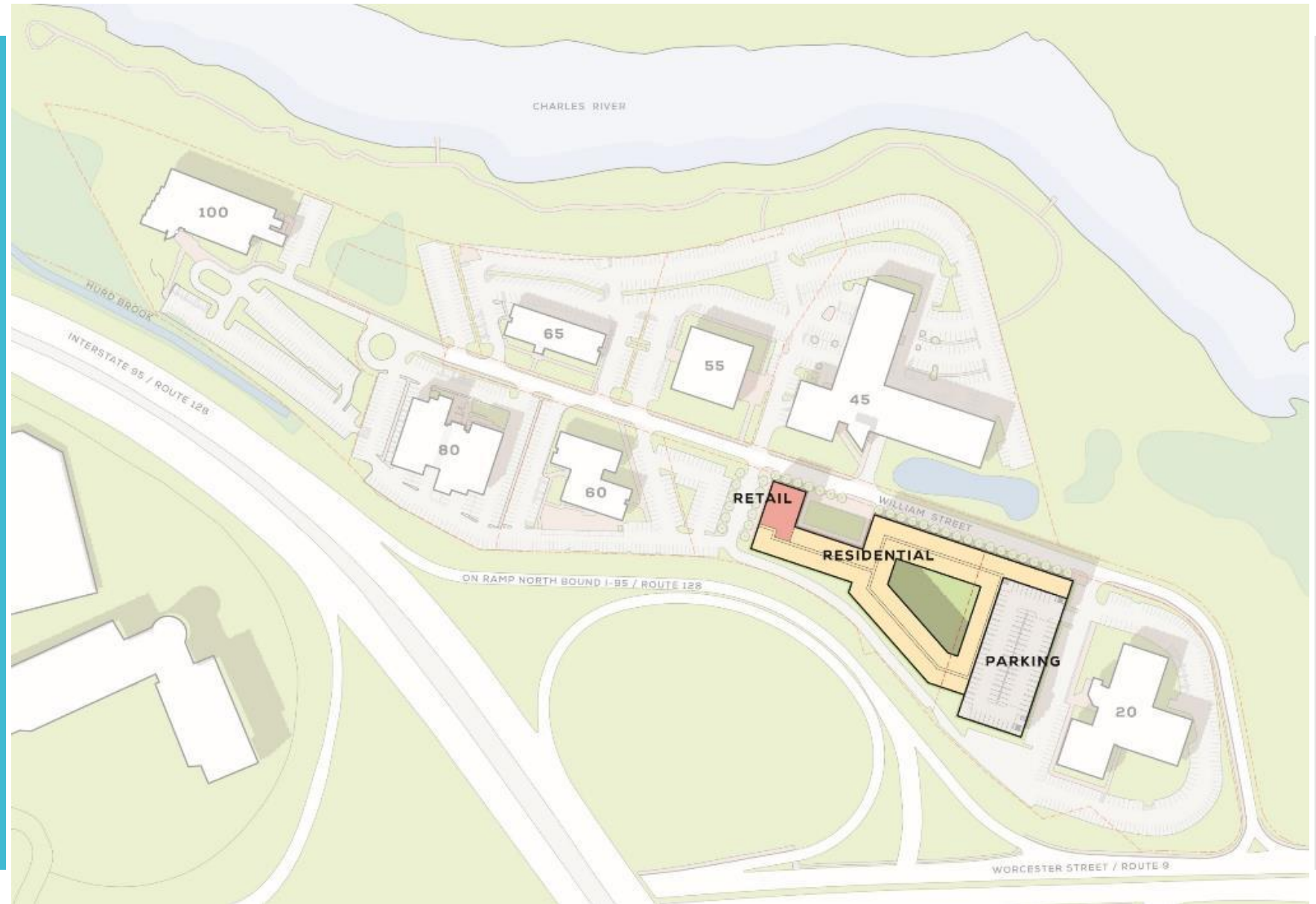
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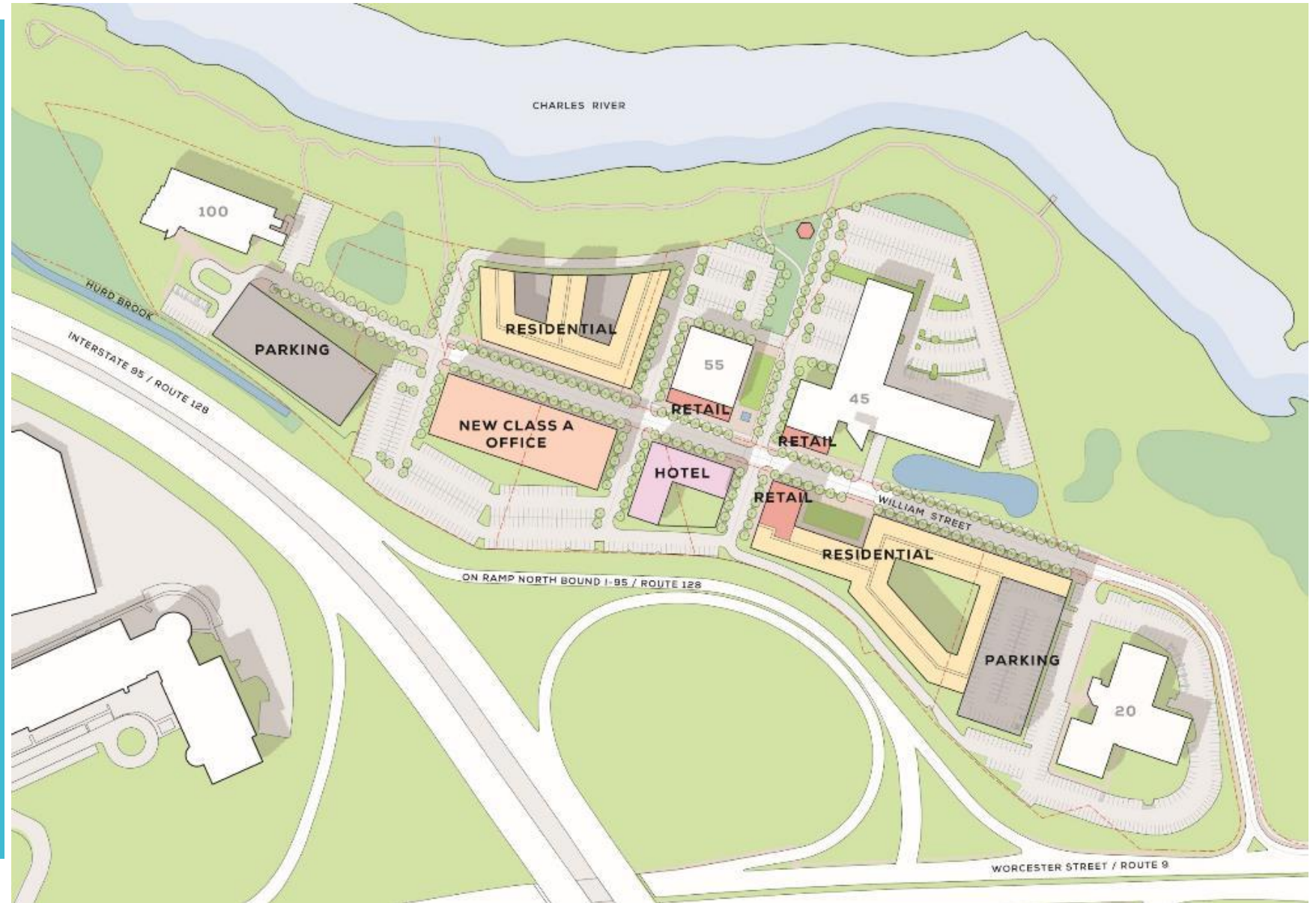
Wellesley Office Park - Master Plan, Phase 1

- 350 Residential units
- 575,000 +/- SF gross leasable office area (existing)
- 5,900 SF amenity retail
- Structured parking for residential and office uses



Wellesley Office Park - Master Plan, Full Build-out

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Proposed 40R Overlay Zoning

Category	Existing Zoning	Existing Conditions	Proposed 40R Zoning
Affordable Housing	N/A	N/A	25% (all rental units to count towards Town's subsidized housing inventory)
Housing Density	1/acre	N/A	At least 20/acre; 550 total units
Maximum Height	45 feet	71.6 feet (Building 45)	85 feet
FAR Limit	0.4 per lot (w/ special permit)	0.31 to 0.72 (all but one lot exceeds 0.4 FAR)	To be determined
Permitted Uses	Single Residences; Offices; R&D	Office and other accessory uses	Multi-Family; Elderly Housing; Small-Scale Retail; Restaurant; Office; Office-High Tech; Hotel; Bank; Conservation; Recreation
Minimum Open Space	30% of lot area	Approximately 33% (aggregate)	To be determined; goal to increase minimum open space
Lot Coverage	No more than 20% of lot area may be covered by a building	Approximately 17% (aggregate)	To be determined; goal to decrease aggregate lot coverage
Lot Area	40,000 sq. ft. minimum	>40,000 sq. ft.	N/A
Parking	One space for 100 sq. ft. of ground coverage of buildings but not less than 3.2 spaces per 1,000 sq. ft. of floor area of buildings	1,927 parking spaces	Minimum and maximum parking requirements; site plan approving authority may modify parking requirements taking into consideration share parking and other factors
Setbacks	50 feet	Generally comply	No minimum; 25 foot perimeter buffer

Wellesley Office Park - Smart Growth Rezoning (40R)

Proposed Municipal Infrastructure Improvements and Cost Share

	Improvement	Estimated Cost to Developer	Estimated Cost to Town
Infrastructure Improvements			
Water Line	Installation of new 12" water line under Route 95 [50/50 split - est. cost \$500,000]	\$250,000	\$250,000
Sewer Pump Station	Replacement of pump station	\$250,000	\$0
Sewer Line	Replacement of force main under Route 95 [50/50 split - est. cost \$500,000]	\$250,000	\$250,000
Gas	Gas service as required	TBD	\$0
Electrical	Electrical service as required	TBD	\$0
Transportation Improvements			
Roadways	Signalization of William Street / Frontage Road	\$180,000	\$0
Miscellaneous			
Emergency Services	Police/fire communications equipment	\$20,000	\$0
Estimated Total		\$950,000	\$500,000

Further redevelopment phases within Wellesley Office Park may require additional municipal infrastructure or roadway improvements based upon impacts and subject to (i) approval by MassDOT, (ii) issuance of a special permit and/or (iii) terms and conditions of the development agreement to be entered into and authorized by town meeting.

Wellesley Office Park - 40R Zoning Incentive Payments

- Zoning Incentive Payment
 - Awarded upon DHCD approval of the 40R district
 - Assuming >500 zoned units, payment would be equal to \$600,000
- Bonus Payments
 - Equal to \$3,000 for each unit of new housing built in the 40R district above the number of existing zoned units
 - Payable once building permit is issued for housing units
 - For the initial 350-unit multifamily building, the payment would total at least \$711,000.
 - Subsequent payment for the second phase multifamily building would total at least \$600,000.

Wellesley Office Park - 40R Application for Preliminary Determination of Eligibility

- DHCD Application Form;
- Proposed 40R Zoning Bylaw, Zoning Map and Design Standards;
- Maps showing:
 - The location of the proposed District and the relevant features;
 - The areas within the proposed District that qualify as Developable Land and Underutilized Land; and
 - On a parcel-by-parcel basis, the existing residential units and existing as of right residential densities within the proposed District;
- A 40R density data spreadsheet on a form provided by DHCD;
- Municipal Infrastructure Certifications;
- A copy (text and maps) of the underlying zoning for the property;
- A demonstration of the Municipality's housing history and strategy (i.e. Housing Production Plan);
- Documentation that the Municipality has complied with the public notice and hearing requirements; and
- Additional materials, including narrative and exhibits, demonstrating that the proposed District satisfies approval requirements

Wellesley Office Park - Policy Considerations

- **Unified Plan Housing Chapter**
 - Goal: The Town has a housing strategy that employs a variety of mechanisms to increase housing choice in type and affordability
 - Strategy: Amend the zoning bylaw to allow for more diverse housing options.
 - Action: Amend zoning to allow multifamily residential development in current office park areas, including mixed use options. Include design guidelines with concept designs and incentives.

Wellesley Office Park - Policy Considerations

- **Unified Plan Housing Chapter**
 - Goal: Diverse housing types, such as townhouses, apartments, and condos, exist in commercial villages, office park areas, at locations on arterial roads, and through redevelopment of existing housing.
 - Strategy: Upzone the office parks for redevelopment and allow mixed-use and multifamily housing.
 - Actions: Commission concept plans for redevelopment of office districts such as Walnut Street, Williams Street, and other locations to study potential options for density, design standards (including green standards such as energy-efficiency and green stormwater management), parking and transportation management; AND when upzoning office park areas to permit more height and density, include mixed-use development, townhouses, and multifamily housing as allowable uses, with design standards and incentives based on the concept studies.

Wellesley Office Park - Policy Considerations

- **Unified Plan Economic Development Chapter**
 - Goal: Wellesley's office districts have new zoning to support redevelopment to increase tax revenue potential and meet other town goals.
 - Strategy: Study options and take steps to upzone/rezone office districts.
 - Action: Amend the zoning bylaw and other regulations to create the regulatory framework to allow redevelopment. Require or provide incentives for "green" approaches to stormwater management, transportation, parking, and resource efficiency in order to make the redevelopment a model of sustainable development.

Wellesley Office Park - Policy Considerations

- **Housing Production Plan Strategies and Actions**
 - Amend Administrative and Professional District to allow multi-family and mixed use.
 - Create a 40R District to overlay Administrative and Professional District.
 - Consider new zoning innovations, including in the area of Worcester Street/Route 128

Wellesley Office Park - Next Steps

- Following public hearing, BOS decides whether to submit application.
- Application and materials finalized, submitted to DHCD.
- DHCD reviews and approves site for eligibility for 40R zoning.
- Upon approval, BOS calls Special Town Meeting and proposes Zoning Bylaw and Map amendment.
- PB holds public hearing on Zoning amendments.
- Town Meeting votes on 40R zoning overlay.
- AG review and approval.
- Submission to DHCD for final approval.
- Project elements undergo local “plan review.”

Wellesley Office
Park – 40R
Zoning Public
Hearing

- Questions?
- Public Comments